

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Clyde Hoey, Jr.)

Date of Previous Judgment: 10/31/2005
(Use Date of Last Amended Judgment if Applicable)

) Case No: 3:04CR250-11

) USM No: 19758-058

) Tanzania C. Cannon-Eckerle

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months **is reduced to** 60 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 21

Criminal History Category: IV

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Previous Guideline Range: 70 to 87 months

Amended Guideline Range: 60 to 71 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

It is further ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 10/31/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 1, 2008

Effective Date: _____
(if different from order date)



Robert J. Conrad, Jr.
Chief United States District Judge

